IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2432 OF 2004

M/s National Building Corporation .. Petitioners

Versus

State of Maharashtra & Ors. .. Respondents

Mr.A.Y. Sakhare i/b Pillai & Co. for the petitioners.

Mr.R.M. Sawant, Government Pleader, for respondents Nos.1 and 2.

Mr.D.D. Madon with Mr.Vinayak Shete i/b Ms. Poorvi Kamani for respondent No.3.

CORAM : F.I. REBELLO, J.

DATE : 14TH OCTOBER 2004

P.C. :

1. Various contentions have been urged on behalf of the petitioners. The respondents contend that the appeal of the petitioners before the Divisional Joint Registrar has been admitted. It is their alternative submission that the appeal is not maintainable. It is not necessary for this Court to go into that matter. Considering that the appeal filed by the petitioners has been admitted, it will be open to the parties to raise their contentions before the Appellate Authority.

2. In the light of the above, as the petitioners have already availed of the remedy of appeal, which has

been admitted, no interference is called for at this stage. Petition is rejected.

3. All contentions will be open to the parties in the appeal when heard.

(F.I. REBELLO J.)